

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Application Number: 10/038,579

Confirmation Number: 4750

Filing Date: January 8, 2002

First Named Inventor: Karen E. Kimball

Group Art Unit: 2665

Examiner: Alpus HSU

Attorney Docket Number: 07275.0030-01

Attorney Customer Number: 22,852

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. Submission required under 37 C.F.R. § 1.114: Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, application must request non-entry of such amendment.

- a. ☐ Previously submitted on _____. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- ii. ☐ Other _____
- b. ☐ **DO NOT ENTER** the amendment(s) previously filed on _____. An alternate submission is attached.
- c. ☒ Enclosed submission: .
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other _____

3. Fees

- a. ☒ The filing fee is calculated as follows:
- i. ☒ \$790 RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Petition for extension of time for (one month) \$ _____
- iii. ☒ Other Petition for Withdrawal of Patent from Issue and \$130 required fee
- b. ☒ Check in the amount of \$920 enclosed
- c. ☒ The Commissioner is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

Adjustment date: 07/10/2006 CKHLOK
03/23/2006 AKELLEY 00000004 060916 10038579
02 FC:1801 790.00 CR

Signature of Applicant, Attorney, or Agent Required

Name: Kara F. Stoll

Reg. No.: 41,484

Signature: *Kara F. Stoll*

Date: March 21, 2006

Certificate of Mailing or Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, MAIL STOP RCE, P.O. Box 1450, Alexandria, VA. 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND												
1 Date of Request: <u>07/07/06</u>		2 Serial/Patent # <u>10/038,579</u>										
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
X	Filing RCE		03/21/06	\$ 790.00								
	Amendment			\$								
	Extension of Time			\$								
	Notice of Appeal/Appeal			\$								
X	Petition		03/21/06	\$ 130.00								
	Issue			\$								
	Cert of Correction/Terminal Disc.			\$								
	Maintenance			\$								
	Assignment			\$								
	Other			\$								
			7 TOTAL AMOUNT OF REFUND		\$ 920.00							
			8 TO BE REFUNDED BY:									
			Treasury Check									
			X	Credit Deposit A/C #:								
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10 REASON:												
	Overpayment											
X	Duplicate Payment											
No Fee Due (Explanation):												
11 REFUND REQUESTED BY:												
TYPED/PRINTED NAME: <u>Frances Hicks</u>		TITLE: <u>Petitions Examiner</u>										
SIGNATURE: <u><i>Frances Hicks</i></u>		PHONE: <u>X23218</u>										
OFFICE: <u>Office of Petitions</u>												
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****												
APPROVED: <u><i>CKH</i></u>		DATE: <u>7/10/06</u>										

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



PATENT
Customer No. 22,852
Attorney Docket No. 07275.0030-01

DAC
J
IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Karen E. Kimball et al.) Group Art Unit: 2665
)
Application No.: 10/038,579) Examiner: Alpus HSU
)
Filed: January 8, 2002) Allowed: November 25, 2005
)
For: METHOD AND APPARATUS FOR) Confirmation No. 4750
AUTOMATIC LOAD-BALANCING)
ON MULTISEGMENT DEVICES)

HAND CARRY TO: Mail Stop 313(c)
ATTENTION: Frances Hicks (Office of Petitions)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR WITHDRAWAL OF PATENT FROM ISSUE

Pursuant to 37 C.F.R. § 1.313(a), Applicants hereby respectfully petition the Commissioner to withdraw the above-identified application from issue to permit consideration of an Information Disclosure Statement (IDS) under 1.97(b) being submitted in a Request for Continued Examination (RCE) pursuant to § 1.114. According to the fee schedule set forth in 37 C.F.R. § 1.17(h), the required fee of \$130.00 for consideration of this Petition is enclosed herewith.

03/22/2006 JADD01 00000030 10038579

This request for withdrawal from issue is made to allow Applicants to submit for the 130.00 OP

Examiner's consideration an IDS for documents that were cited in a communication from the European Patent Office issued in a counterpart foreign application on February 16, 2006. This

Adjustment date: 07/10/2006 CKHLOK
03/23/2006 AKELLEY 00000004-060916 10038579
01 FC:1464 130.00 CR

IDS is being filed within three months of the mailing date of that communication. Since the communication was not received until after the issue fee was paid, the withdrawal of the present application is necessary in order to allow the Examiner to consider the documents cited in that communication.

In view of the foregoing, Applicants respectfully request that this application be withdrawn from issue.

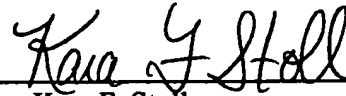
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 21, 2006

By: _____



Kara F. Stoll

Reg. No. 41,484